

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

COUNTY OF SACRAMENTO OFFICE OF
EDUCATION AND THE SACRAMENTO
CITY UNIFIED SCHOOL DISTRICT.

OAH CASE NO. 2013020042

ORDER GRANTING MOTION TO
AMEND COMPLAINT

On January 31, 2013, Colleen Snyder, Attorney at Law, representing Parent on Behalf of Student (Student), filed a Request for a Due Process Hearing (complaint) with the Office of Administrative Hearings (OAH), naming the Sacramento County Office of Education (SCOE) and Sacramento County Probation (Probation).¹ On March 11, 2013, Student filed a Motion to Amend the complaint along with a proposed amended complaint adding the Sacramento City Unified School District (District) as a responsible local educational agency. OAH has not received a response from SCOE or the District, although the District filed a notice of representation on March 14, 2013.

APPLICABLE LAW, DISCUSSION AND ORDER

An amended complaint may be filed when either (a) the other party consents in writing and is given the opportunity to resolve the complaint through a resolution session, or (b) the hearing officer grants permission, provided the hearing officer may grant such permission at any time more than five (5) days prior to the due process hearing. (20 U.S.C. §1415(c)(2)(E)(i).) The filing of an amended complaint restarts the applicable timelines for the due process hearing. (20 U.S.C. §1415(c)(2)(E)(ii).)

¹ On March 5, 2013, OAH dismissed Probation as a party to this matter.

The motion to amend is timely and is granted. The amended complaint shall be deemed filed on the date of this order. All applicable timelines shall be reset as of the date of this order. OAH will issue a scheduling order with the new dates.

IT IS SO ORDERED.

Dated: March 15, 2013

/s/

THERESA RAVANDI
Administrative Law Judge
Office of Administrative Hearings